



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,267	04/16/2001	Klaus Schumann	RO0234US	5473

7590

06/17/2003

D Peter Hochberg  
6th Floor  
1940 East 6th Street  
Cleveland, OH 44114-2294

EXAMINER

CHAN, SING P

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 06/17/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/763,267

Applicant(s)

SCHUMANN ET AL.

Examiner

Sing P Chan

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4 and 6-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 6-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7-10 recites the limitation "heated sealing head" in claim 7, line 3; claim 8, line 2; claim 9, line 3; claim 10, line 2. There is insufficient antecedent basis for this limitation in the claim with claim 6 reciting "heated sealing tool" and "sealing station."

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 6, 9, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior in view of Doering, Jr. (U.S. 3,813,846).

Regarding claims 1, 4, 6, 11, and 12, the admitted prior discloses a method for producing hot sealed packs for TTS. The method includes the steps of feeding two laps in line with the heated sealing heads, bond the laps together with heated sealing heads with their polymer layers lying against each other with pressure and heat.

(Specification, Page 1, lines 9-34) However, the admitted prior does not disclose the heated sealing heads includes two or more contact area and advancing the pack material from the first contact area to the second contact area for additional heat

Art Unit: 1734

sealing. However, heated sealing heads with two or more contact area and advancing the pack material into additional contact areas for additional sealing are well known and conventional as shown for example by Doering, Jr. Doering, Jr. discloses a method of sealing a tray material, i.e. packing material, using a heated sealing mechanism with multiple projections, i.e. contact areas which are considered to be identical, and moving the material through four sequential sealing operation with heat and pressure to form good seal with high throughput. (Col 4, lines 20-43)

It would have been obvious to one skilled in the art at the time the invention was made to provide a heated sealing mechanism with multiple identical contact areas and moving the material through sequential sealing operation with heat and pressure as disclosed by Doering, Jr. in the method of the admitted prior art to provide a good seal with high throughput.

Regarding claim 9, the admitted prior art discloses the weldable polymer includes polyacrylonitrile and both heated sealing heads have a temperature of 200°C. (Specification, Page 1, lines 13-30)

#### ***Allowable Subject Matter***

5. Claims 7, 8, and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: The claims recite a method of producing hot-seal packs for transdermal therapeutic systems. The method includes transporting two laps with weldable polymer

Art Unit: 1734

layer lying against the laps in a predetermined cycle through a sealing unit, pressing the laps together at the second sealing station with the temperature of first heated sealing tool or head is set above the melting temperature of the polymer layer at 169°C for HDPE or 200°C for polyacrylonitrile, the temperature of the second heated sealing tool or head is set below the melting temperature of the polymer layer at 65°C for HDPE or 80°C for polyacrylonitrile, while the first area of the laps is being seal at the second sealing station, the second area of the laps is being seal at the first sealing station, advancing the second area of the laps to the second sealing station, and repeat the sealing cycle. Doering, Jr. discloses a method of sealing a tray material, i.e. packing material, using a heated sealing mechanism with multiple projections, i.e. contact areas which are considered to be identical, and moving the material through four sequential sealing operation with heat and pressure to form good seal with high throughput. (Col 4, lines 20-43) However, Doering, Jr. does not disclose the temperature of first sealing tool or head is set above the melting temperature of the polymer layer at 169°C for HDPE or 200°C for polyacrylonitrile, the temperature of the second heated sealing tool or head is set below the melting temperature of the polymer layer at 65°C for HDPE or 80°C for polyacrylonitrile as search of the prior art of record did not disclose reference or references in combination with the recited features.

### ***Response to Arguments***

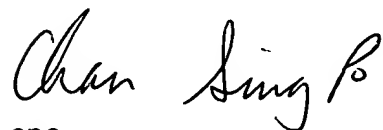
7. Applicant's arguments with respect to claims 1, 4, 6, 9, 11, and 12 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 1734

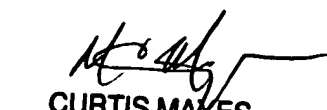
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sing P Chan whose telephone number is 703-305-3175. The examiner can normally be reached on Monday-Friday 7:30AM-12:00PM and 1:00PM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



spc  
June 5, 2003

  
**CURTIS MAYES**  
**PRIMARY EXAMINER**